

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Anthony M. Aiken,)	
)	C/A No.: 6:04-22040-MBS-WMC
Plaintiff,)	
)	
vs.)	
)	OPINION AND ORDER
Jo Anne B. Barnhart, Commissioner of)	
Social Security,)	
)	
Defendant.)	
)	

Plaintiff Anthony M. Aiken filed applications for disability insurance benefits and supplemental security income payments on April 18, 2001, alleging he had been disabled since April 9, 2001 because of dizziness, headaches, blurred vision, seizures, an inability to hold his head up, and fear of being alone because he might black out or fall down. His claim was denied initially and upon reconsideration. Plaintiff requested a hearing before an administrative law judge (“ALJ”). The ALJ held a hearing on August 1, 2003. On October 28, 2003, the ALJ issued a decision that Plaintiff was not entitled to a period of disability, disability insurance benefits, or supplemental security income payments under sections 216(i), 223, 1602, and 1614(a)(3)(A), respectively, of the Social Security Act. The decision of the ALJ became the “final decision” of the Commissioner on June 22, 2004, after the Appeals Council determined that there was no basis for granting Plaintiff’s request for review. Plaintiff thereafter brought the within action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the “final decision” of the Commissioner.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge William M. Catoe for a Report and Recommendation. On August 25, 2005, the Magistrate Judge filed a Report of Magistrate Judge in which he determined that the ALJ’s findings were supported by substantial evidence. Accordingly, the Magistrate Judge

recommended that the decision of the Commissioner be affirmed. No party filed an objection to the Report of Magistrate Judge.

The court is charged with making a *de novo* determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and the record in this case, the court adopts the Report of Magistrate Judge and incorporates it herein by reference. Accordingly,

It is ORDERED that the Commissioner's decision be **affirmed**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

September 21, 2005.